

**MARCH 1974**

**FOURTEENTH YEAR — No. 156**

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# **international review of the red cross**



**INTER ARMA CARITAS**

**GENEVA  
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FOUNDED IN 1863**

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# INTERNATIONAL REVIEW OF THE RED CROSS

MARCH 1974 - No. 156

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**SUPPLEMENTS  
TO THE REVIEW**

**SPANISH**

XXII Conferencia Internacional de la Cruz Roja, Teherán, noviembre de 1973 - Resoluciones (II) - Revaluación del cometido de la Cruz Roja - Derecho Internacional Humanitario.

**GERMAN**

Neubewertung der Rolle des Roten Kreuzes - Betreuung der indianischen Bevölkerung Amazoniens - Humanitäres Völkerrecht.

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## DIPLOMATIC CONFERENCE

### ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS

#### Opening of the Conference

*The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts opened in Geneva on 20 February 1974.<sup>1</sup> This Conference was convened by the Swiss Government and is being attended by plenipotentiary representatives of 118 States Parties to the Geneva Conventions of 12 August 1949 and Members of the United Nations, as well as by many observers for intergovernmental and non-governmental organizations. The Conference will sit until 29 March to deal with two additional draft protocols to the Geneva Conventions, which the International Committee of the Red Cross has drawn up with a view to supplementing existing international humanitarian law in the light of recent developments in matters of war.<sup>2</sup>*

*At the opening ceremony a statement was made by Mr. Pierre Graber, Vice-President of the Federal Council and Head of the Swiss Federal Political Department. He was followed by Mr. André Chavanne, State Councillor, Vice-President of the State Council of the Republic and Canton of Geneva, and Dr. Eric Martin, President of the ICRC. A message from the Secretary-General of the United Nations was read by Mr. Vittorio Winspeare Guicciardi, Director-General of the United Nations Office at Geneva. The texts of the addresses delivered are given below.*

*In accordance with the tradition that an eminent person from the host country is elected Chairman of the Conference, Mr. Graber was duly appointed.*

*Mr. Moktar Ould Daddah, President of the Islamic Republic of Mauritania, who was in Geneva, attended the opening meeting of the Conference.*

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<sup>1</sup> *Plate.*

<sup>2</sup> See, especially, *International Review*, October 1973.

**Mr. Pierre Graber, Vice-President of the Federal Council**

For the sixth time in a century, Switzerland and Geneva are privileged to welcome a diplomatic conference whose task is to relieve the sufferings of war victims. Today this concern is so widely shared that the attendance at this conference is unparalleled: 117 States and 35 international, governmental and non-governmental organizations have accepted the Federal Council's invitation and are represented here by delegates or observers. On behalf of the Government and people of Switzerland, I extend a warm welcome to all.

Your presence, and that of the numerous other distinguished persons who are attending this opening ceremony, bear eloquent testimony to the wide interest taken in this conference and in its work.

An illustrious son of Geneva, Jean-Jacques Rousseau, who wrote some admirable words about the laws of war, said: "War is not a relationship between man and man, but a relationship between States... one has the right to kill those who defend their State as long as they bear arms, but as soon as they lay down their arms and surrender, they cease to be enemies or the instrument of the enemy, and are once again just human beings, whose lives no one has any longer the right to take".

Much has changed since the eighteenth century. Very often wars have not been relationships between States; civilians, previously spared, are now exposed to the same dangers as the armed forces. But one thing remains—the human being, the simple human being, who has to be protected against his own folly. It is he who calls on us, who appeals to us as legislators. We must not disappoint him.

The opening of this Conference is the result of years of far-reaching preparatory work carried out by the International Committee of the Red Cross, with the fruitful collaboration of both governmental and non-governmental experts from many countries and of a number of international organizations, among which I am happy to mention the United Nations.

The results of this preparatory work are contained in the two Draft Additional Protocols to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, which will serve as the basis for your discussions.

I wish to pay a tribute to those responsible for drawing up these draft Protocols: the International Committee of the Red Cross and all those who, by their legal knowledge or through their familiarity with the diversity of forms that armed conflicts can take, have made it possible to carry out the very considerable and painstaking labour without which no diplomatic conference is possible.

The Federal Council learned with the greatest satisfaction of the successful conclusion of the preparatory work, and accordingly it has decided to convene this Plenipotentiary Conference, to which it has invited all the States Parties to the Geneva Conventions and all the Member States of the United Nations. In so doing the Swiss Government is carrying on a long tradition, since it had the honour of originating all the diplomatic conferences which led to the Geneva Conventions. My country considers it a very great privilege to have been able to contribute in this way to the development of this very important branch of international law. It is also an opportunity for my country to give tangible expression to its unfailing support for the work of the Red Cross.

For the same reason, the Federal Council is ready, if such action should seem appropriate, to convene a second session of this Conference at the same time next year.

International humanitarian law has come a very long way since 22 August 1864, when the plenipotentiaries of thirteen States met together in this city of Geneva and adopted, with almost no changes, the ten Articles of the First Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, prepared by Henry Dunant and Gustave Moynier. Later, legal protection was gradually extended to other categories of war victims—the shipwrecked, prisoners of war, the inhabitants of occupied zones and interned civilians. These are now included in the field of application of the four Geneva Conventions of 12 August 1949 to which almost all States are parties today. The echo of Dunant's anguished cry on the battlefield of Solferino has become amplified with time. The voice of this stubborn visionary is now heard in the furthestmost corners of the world. Inspired by the example of a handful of men who were guided by the conviction that they were serving the cause of humanity, States have endeavoured to codify to an ever-

increasing extent the law applicable in armed conflicts, a law with which the name of the Netherlands is so closely associated.

This century of labour does honour to the whole international community and testifies to the increasingly keen realization of the need to give better protection to the human person. But, alas, this labour is still unfinished, for the truth is that the reinforcement of the legal protection given to the victims of armed conflicts has been obtained simply in response to the extension of the suffering resulting from ever-recurring violence, and the constant development of new armaments. A comparison between certain articles of the Conventions of 1864 and 1949 is sadly revealing in this respect. In this connexion I would recall the indispensable supplementary efforts being undertaken within other bodies for the peaceful settlement of disputes and to find solutions to the complex problems of disarmament.

The four Conventions of 1949 still retain their full value today. The rules they lay down cannot be repeated too often and the need to respect them strictly cannot be over-emphasized.

The development of the methods and means of combat, and the experience gained during the wars, both international and non-international, that have followed each other without interruption during the last quarter of a century, have brought to light new forms of distress and in consequence the urgent and imperative need to develop the law at present in force and to add further provisions to the existing Geneva Conventions.

It has sometimes been said that the Geneva Conventions adopted up to now were drawn up by a relatively small group of States, most of them European, although their scope was universal from the first. At that time the international community was such that it could not have been otherwise. Today every continent is represented here. We should welcome this development, as a result of which humanitarian law will be placed on a wider basis.

Through the Geneva Conventions your forefathers saved the lives or transformed the fate of tens of millions of men. Now it is your turn. You have come here for this purpose from all over the world. You are the spokesmen of your Governments, and the cares and concerns you bring with you into this hall no doubt reflect the problems facing your countries; they bear the stamp of their



history and culture and also of the trials through which they have passed or are still passing.

May the ideal of charity, so clearly proclaimed, over and above frontiers and ideologies, by the emblem of the Red Cross, transcend this diversity and inspire you to overcome difficulties and differences. We must not lose sight of the humanitarian objective of this conference. If, today, we are still powerless to save the world from the scourge of war, at least we have the power to make war less implacable and less blind. May you succeed in reaching an agreement that will be instrumental in relieving much terrible suffering, in sparing innocent lives and in giving better protection to the weak.

That is my earnest wish as I declare open this Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

**Mr. André Chavanne, Vice-President of the State Council of the Republic and Canton of Geneva**

In his address to the participants in the opening ceremony, Mr. Chavanne said that it had been with considerable pleasure that the Genevese authorities had learned that an important Diplomatic Conference on Humanitarian Law would once again be held in Geneva. Everybody hoped that that law would be adapted to counter the regrettable new forms of violence afflicting humanity, and that it would make it possible, even more than in the past, to alleviate the hardship caused by that violence and to bring relief to the victims. For the citizens of Geneva, the Conference was intended to continue the work of a man who, with Jean-Jacques Rousseau, was one of their most illustrious compatriots—Henry Dunant.

It was a moving experience to re-read the memoirs of that idealist whose desire it had been, in spite of all obstacles and notwithstanding the outlook of his generation, to found the Red Cross, of which he had conceived after the battle of Solferino and which subsequently rendered such great services. It was in August 1864, at the First Congress held in Geneva, that twelve plenipotentiaries signed the Convention, which took into account the wishes expressed in a preliminary meeting concerning the provision of assistance to

the wounded, the setting up of medical personnel and the organization of an ambulance service.

Admittedly, past history offered not unimportant examples of humanitarian law for the benefit of civilian populations decimated by war, of wounded soldiers, of subject peoples. But in view of the increasing power of arms, the unbelievable escalation of the catastrophes caused by modern conflicts, wider and more effective rules had to be enacted and accepted in practice by all.

It was comforting to know that realism was born of idealism. Intelligent determination had been required to define possible solutions and to find in our small city—and in the Federal Council—the support required not only to awake but also to interest public opinion throughout the world.

In undertaking that task, Henry Dunant had become immortalized. It was hoped that the deliberations of the Conference would lead to an extension of his work and ensure that all those who suffered as a result of internal or external conflicts would have the protection and hope to which they were entitled as human beings stricken by fate.

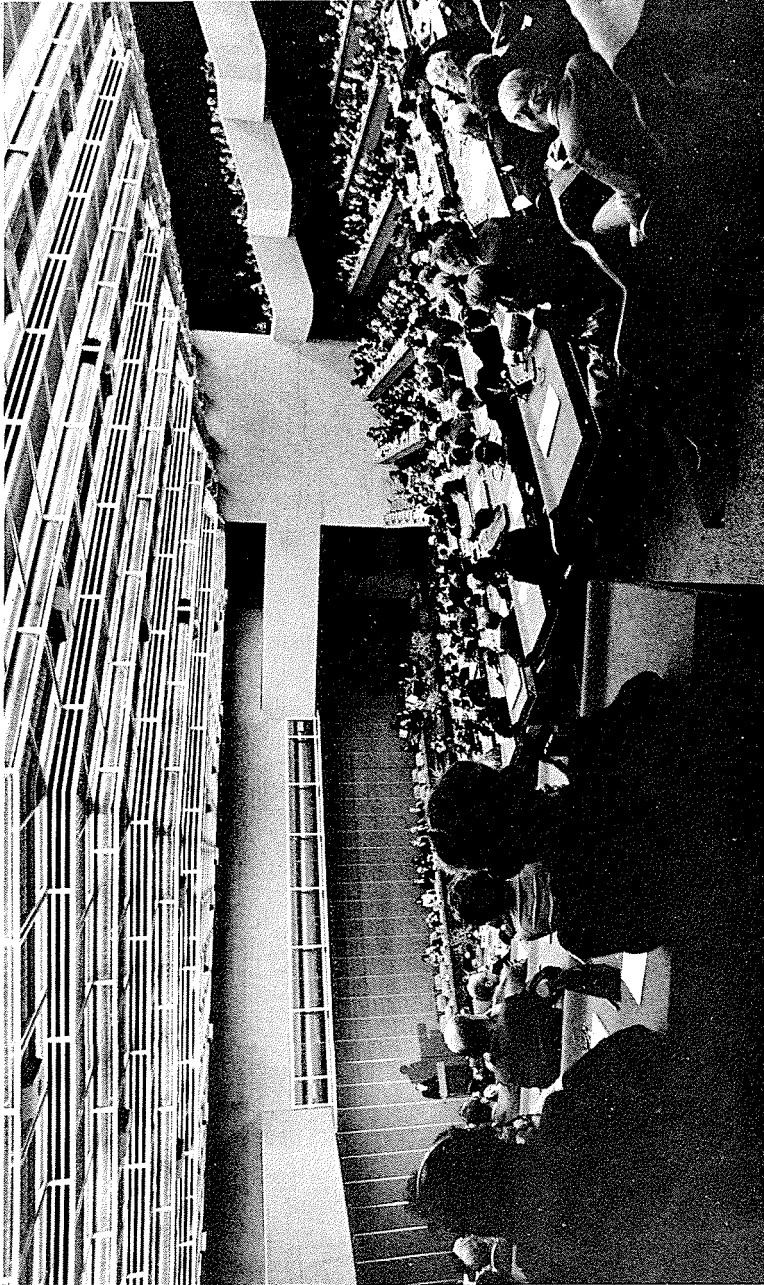
**Mr. V. Winspeare Guicciardi, Director-General of the United Nations Office at Geneva**

On behalf of the Secretary-General of the United Nations, who greatly regrets his inability to attend in person, I should like to convey to you and all Delegates, Experts and Observers, a personal message of his most warm good wishes for the success of this Conference.

I should like to pay particular tribute to the Swiss Government, depositary of the Geneva Conventions, for having assumed the task of organizing the Conference and for having provided the necessary diplomatic support for its convening. The United Nations is grateful to the Swiss Government for the invitation to be represented and to the International Committee of the Red Cross for its outstanding work, and to National Red Cross Societies for their active contribution in preparing the draft protocols to be considered. This excellent preparatory work augurs well for the Conference.

We are all again indebted to be Council of State of the Republic

DIPLOMATIC CONFERENCE ON THE REAFFIRMATION  
AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN  
LAW APPLICABLE IN ARMED CONFLICTS



**Geneva, 20 February 1974: Opening session.**

Photo J.-J. Kurz/ICRC



Address by Mr. Pierre Graber, Vice-President of the Swiss Federal Council, President of the Diplomatic Conference (*from left to right: Mr. Guicciardi, Mr. Graber, Mr. Chavanne and Dr. Martin*).

Photo J.-J. Kurz/ICRC

and Canton of Geneva. It was here in 1864 that the first Diplomatic Conference on International Humanitarian Law was convened by the Swiss Federal Council, and again in 1906, 1929 and 1949. It is not by chance that international humanitarian law is known as the " Law of Geneva ". But to organize such a conference in 1974 is much more complex. In 1949, 64 States were represented by delegates or observers; today the number of States has more than doubled. The presence here of representatives of many new countries—most of them Members of the United Nations—is the highest tribute that may be paid to the permanency and universality of the foundations of the movement first conceived by Henry Dunant more than a century ago.

The widespread demand for the holding of the Conference shows that governments are fully aware of their responsibilities in reducing as much as possible human suffering and material devastation brought about by armed conflicts, and of the need to take a fresh look at this matter in the light of recent developments in methods and means of warfare. The long-term goal of respect for the Charter of the United Nations and complete disarmament under effective international control have yet to be achieved, although some very important steps have been taken during recent years. Meanwhile, the international community must ensure full and effective application of present legal rules designed to alleviate the sufferings inherent in armed conflicts and must supplement them by new rules more in keeping with the contemporary realities.

The International Conference on Human Rights, held in Teheran in 1968 under the auspices of the United Nations, declared itself convinced that humanitarian principles must prevail even in times of armed conflict, and requested the General Assembly to invite the Secretary-General to study steps which could be taken to secure the better application of existing humanitarian international conventions, as well as the need for additional conventions or for possible revision of existing ones, to ensure the better protection of civilians, prisoners and combatants in all armed conflicts and the prohibition and limitation of the use of certain methods and means of warfare. The General Assembly has since considered at each session a whole range of problems concerning respect for human rights in armed conflicts.

After considering the reports of the Secretary-General, as well as the most useful work of the ICRC and its committees of experts, the General Assembly adopted from 1968 to 1973 a series of resolutions, some of which reaffirmed or developed important general principles. One resolution in particular proclaimed basic principles for the protection of civilians in all armed conflicts. The General Assembly also expressed its concern for the treatment of prisoners of war, the protection of captured combatants in the armed struggle against colonialism, the intense sufferings created by certain weapons and means of warfare, and the effectiveness of machinery for implementation of the Geneva Conventions.

An important aspect of these resolutions is their applicability in equal terms to all armed conflicts, regardless of the traditional distinction between "international" and "non-international" conflicts. Thus the General Assembly has reaffirmed one of the fundamental premises of the Charter of the United Nations and the Universal Declaration of Human Rights: the existence and primacy of inalienable rights of man, regardless of political, military or any other circumstances. The same trend is reflected to some extent in the draft protocols of the ICRC which, in their present state, purport to strengthen considerably the protection granted to those involved in so-called internal armed conflicts and to provide them with safeguards as far as possible similar to those enjoyed by combatants and civilians in international conflicts.

At its latest session, the General Assembly adopted another resolution urging all participants in this Conference to do their utmost to reach agreement on additional rules which may help to alleviate the suffering brought by armed conflicts and to protect non-combatants and civilian objects in such conflicts. The General Assembly also proclaimed a number of basic principles regarding the legal status of combatants struggling against colonial and alien domination and racist regimes, declaring that the struggle of peoples under colonial and alien domination and racist regimes for the implementation of their right to self-determination and independence is legitimate and in full accordance with the principles of international law; that any attempt to suppress the struggle against colonial and alien domination and racist regimes is incompatible with the Charter and other basic instruments of the United Nations

and constitutes a threat to international peace and security; that armed conflicts involving the struggle of peoples against colonial and alien domination and racist regimes are to be regarded as international armed conflicts in the sense of the 1949 Geneva Convention.

At the request of the General Assembly, the Secretary-General has transmitted to this Conference, for comment and advice, the draft articles and amendments on the protection of journalists engaged in dangerous professional missions in areas of armed conflicts. The General Assembly has expressed the view that an international instrument on this subject is desirable. The General Assembly also invites the Diplomatic Conference to consider—without prejudice to its examination of the draft protocols submitted to it by the ICRC—the question of the use of napalm and other incendiary weapons and to seek agreement on rules prohibiting or restricting the use of such weapons as well as other specific conventional weapons which may be deemed to cause unnecessary suffering or to have indiscriminate effects.

In conclusion, may I stress the increasingly intimate connexion between the present work of reaffirmation and development of international humanitarian law, on the one hand, and some of the most basic purposes and endeavours of the United Nations, on the other. This growing convergence of our respective efforts is true in the field of disarmament and in the limitation or prohibition of the use of certain weapons. But also in relief to civilian victims of armed conflicts, the United Nations have vastly extended the scope of their humanitarian action, principally through the UNICEF and UNHCR. The need for close co-ordination in relief work between the United Nations, the ICRC, the League of Red Cross Societies and other humanitarian organizations has been frequently emphasized, and we are hopeful that the progress already made will continue on an increasing scale. In short, the spirit and the letter of the Charter and those of the Geneva Conventions are but two facets of the same ideal, our common faith in the dignity of man.

The Secretary-General, who will inform the General Assembly of the United Nations of the progress and achievements of this Conference as requested in several of the relevant resolutions adopted by the Assembly at its last session, reiterates to the Conference his best wishes for success in its humanitarian endeavours.

**Dr. Eric Martin, President of the International Committee of the Red Cross**

Twenty-five years after the adoption of the four Geneva Conventions in 1949, a new Diplomatic Conference is being held in Geneva, the birthplace of the Red Cross, to adapt humanitarian law to the present-day demands of armed conflicts.

I should like first of all to thank the Swiss Government for having convened this Diplomatic Conference, and to recall the amount of preparatory work involved—work to which the ICRC, the United Nations and a great many international experts devoted their efforts over a number of years.

We address a message of welcome to the plenipotentiaries and delegates who have come here, and extend our wishes for the successful outcome of their work, undertaken in a spirit of objectivity, conciliation and generosity.

The face of the world is changing, the international community is being rapidly transformed; but the principles of humanitarian law are the common, permanent heritage of all nations, irrespective of race, religion or politics.

In recent years the application of humanitarian law has at times been jeopardized because the civilian population was inadequately protected against the effects of war. This shortcoming could be remedied by adopting the Additional Protocols to the Geneva Conventions, which include important provisions in this field.

The Geneva Conventions, unlike other treaties, serve no private or national interests. They are not concerned with economic problems or political advantages; they safeguard human life and, when scrupulously applied, with no restrictions, benefit the whole international community.

Everyone should realize the crying need to apply these agreements in all circumstances to victims of any armed conflict, whether the resort to force be regarded as justified or unjustified, whatever political label be given to the adversary, and whatever stand he may take. These treaties must of course be adapted to the evolution of the type of conflict and to the conscience of the world; they must none the less maintain one constant principle which, for more than a century, has been the backbone of the Geneva Conventions, namely absolute, unconditional respect for an enemy who, wounded,



prisoner or civilian, is *hors de combat*, and no longer an enemy but just a man. Then there will be no question of lawful or unlawful use of force, disputes concerning the status of parties to conflicts or conditions, such as reciprocity, for the application of humanitarian law.

In saying this, the ICRC in no way seeks to underestimate the value of vital efforts on parallel lines to rule out armed conflict. It hopes that those efforts will meet with full success and, for its part, feels that the faithful application of humanitarian law will make it easier to settle conflicts and restore peace.

The ICRC has been active all over the world for more than a hundred years. It has known failure, but its efforts have often been rewarded and it has managed to alleviate the suffering of millions of victims. Its help is constantly available to all countries with a view to solving problems in its field; the ICRC is at their service, always ready to continue its work whenever war divides countries or nationals of a single country. Throughout this Conference the ICRC and its experts will be at your service, ready to facilitate your work and to supply any information you may require.

Having voiced my gratitude and extended my good wishes as President of the ICRC, I—who am neither a diplomat nor a jurist—express the hope that the political problems, which will not fail to arise, will neither slow down the normal pace of the Conference nor jeopardize its outcome. The world expects the Conference to improve the condition of victims of armed conflict. This is the aim we must always keep in view.

Ladies and Gentlemen, you who represent the world powers here, the Red Cross and suffering mankind put their hopes and their trust in you.

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# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## *EXTERNAL ACTIVITIES*

### **Regional delegations in Africa**

In 1970, the ICRC opened two regional delegations in Africa, one at Yaoundé (Cameroon) for West and Central Africa, and the other at Addis Ababa (Ethiopia) for East Africa. In both countries, the ICRC permanent delegates enjoyed throughout their mission the full support of the authorities and the co-operation of their National Red Cross Societies.

In February 1974, the ICRC moved its regional delegations from Yaoundé to Lomé (Togo), and from Addis Ababa to Nairobi (Kenya). The ICRC wishes, by carrying out such transfers from one capital to another, to develop the particularly close links that are forged by the setting up of a regional delegation.

### **Mozambique**

From 21 January to 12 February 1974, two ICRC delegates and a doctor visited several Mozambican places of detention. They went to the following prisons and camps: Machava (22, 23 and 26 January), Ponta Mahone (24 January), Tete 2 (28 and 29 January), Tete 1 (30 and 31 January), Vila Cabral (1 February), Porto Amelia (2 February), Ibo (3 February), Nampula (6 and 7 February), Quelimane (8 February) and Nicoadala (9 February).

They saw about 1,900 persons detained for reasons or offences of a political nature, and were able to talk privately with prisoners of their choice.

Following this round of visits, the delegates conveyed their observations and suggestions to officers of the General Directorate of Security. The distribution of material assistance in the places of detention visited totalled 20,000 Swiss francs.

Members of local delegations of the Portuguese Red Cross received the delegates and helped them with transport arrangements. As usual, reports on the visits will be sent to the Portuguese authorities along with the ICRC's remarks and recommendations.

### **Mission of delegate-general for Latin America**

On 24 January, Mr. Serge Nesi, ICRC delegate-general for Latin America, left Geneva on a mission to Latin America which was to last several weeks.

Mr. Nesi first proceeded to Honduras where, from 29 January to 1 February, he attended the VIth Meeting of Presidents and Technical Seminars of National Societies of Central and North America, jointly organized by the Honduran Red Cross and the League of Red Cross Societies. The ICRC delegate-general made a statement on the ICRC's activities.

During his stay in Honduras, Mr. Nesi visited the Tegucigalpa penitentiary and there saw more than 2,400 detainees. After stopovers in Costa Rica and Panama, the ICRC delegate-general went to Chile.

### **Chile**

In January, the ICRC delegates in Chile visited more than 4,000 detainees in 49 places of detention, namely 23 in the central area, 14 in the north and 12 in the south. During the same month, the following relief supplies were distributed to detainees: 25 batches of medicaments in 25 places of detention; 1,500 blankets and 6 tons of powdered milk in six places of detention; toilet items for 600 detainees in five different prisons; and, lastly, medical supplies and various articles in four places of detention. From September to December 1973, ICRC material assistance to Chile, thanks to the contributions made by various Red Cross Societies and Governments, reached a total of more than half a million Swiss francs, representing 5 tons of medicaments, 30 tons of powdered milk, 21 tons of medical supplies and equipment, 5,000 blankets and several hundred mattresses.

In January, the Central Tracing Agency delegates issued 95 "travel documents" for refugees who could leave the country but had no papers. This brings the total number of documents issued by the ICRC since the beginning of its action in Chile to around 600.

## **Asian Sub-Continent**

From September 1973 to the beginning of February 1974, some 200,000 persons in the Asian sub-continent were repatriated: 45,000 prisoners of war and 15,000 civilian internees from India to Pakistan; 91,000 Bengalis from Pakistan to Bangladesh, and 47,000 non-locals from Bangladesh to Pakistan.

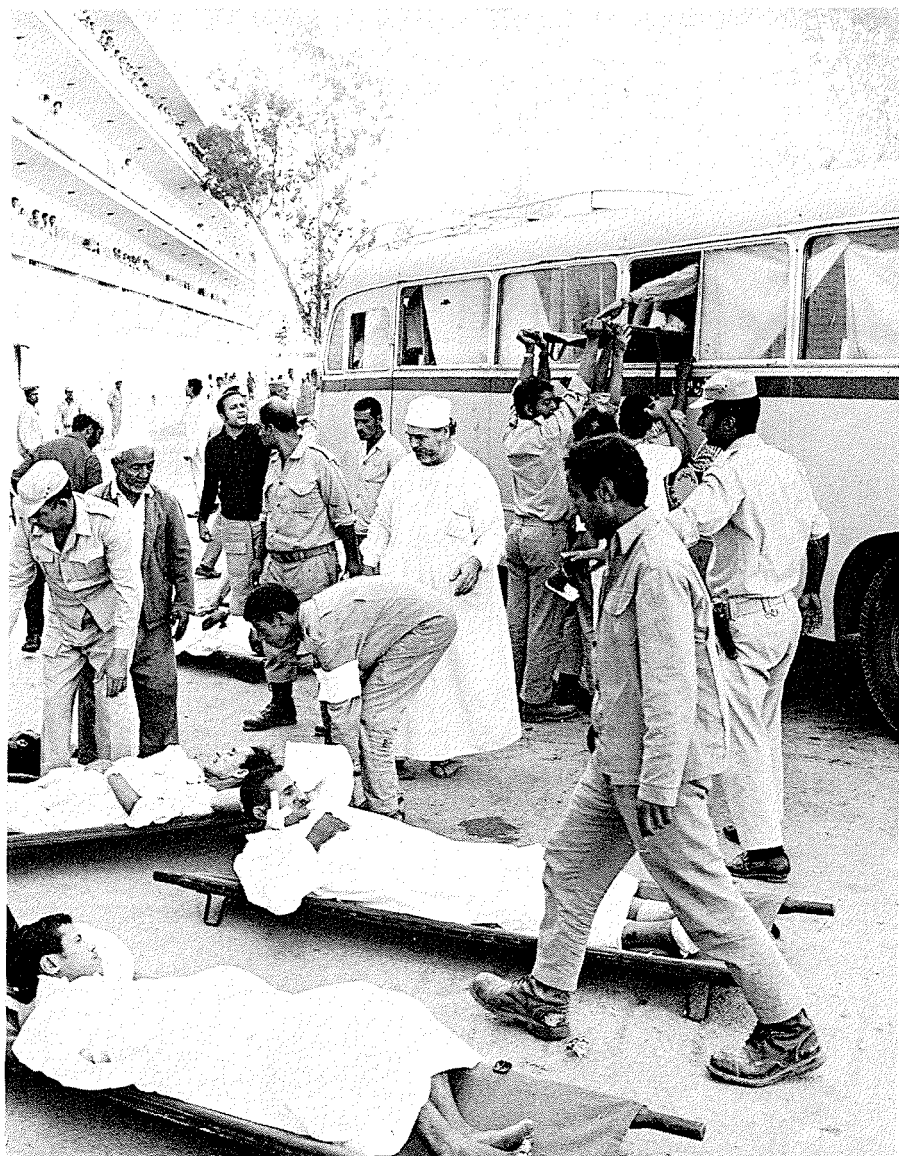
In this vast operation, the ICRC's activities consisted mainly in registering applicants for repatriation, in Pakistan and Bangladesh, and providing them with the requisite travel documents once they had secured an entry visa from the authorities of the country of refuge. By 12 February 1974 the work was almost concluded, 125,000 persons having been registered in Pakistan and 535,000 in Bangladesh. The Office of the United Nations High Commissioner for Refugees (UNHCR), for its part, is providing transport between Pakistan and Bangladesh by means of an air-lift. Released Pakistanis, who are being repatriated from India by rail, are escorted by ICRC delegates.

## **People's Republic of China**

At the request of the Red Cross Society of China, on 31 January an ICRC delegate proceeded to Shum Chun, a town on the border between Hong Kong and the People's Republic of China, to take over five wounded South Vietnamese servicemen captured during the incidents on the Paracel Islands and released by the Chinese authorities.

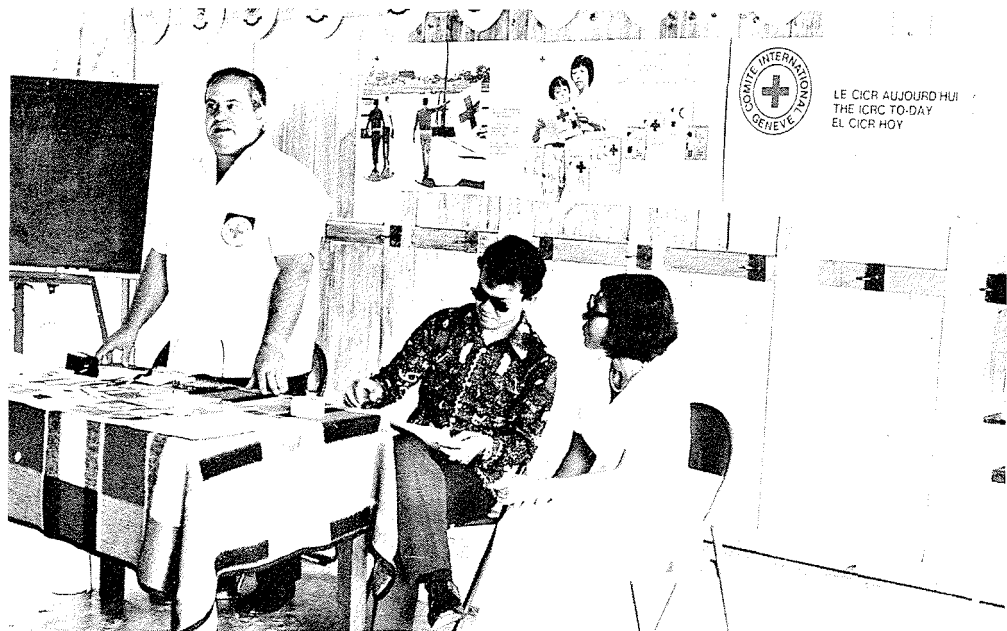
On 17 February, a second operation took place whereby a further 43 Vietnamese prisoners were released and repatriated, in the presence of the ICRC.

## MIDDLE EAST — NOVEMBER 1973



**Suez:** Egyptian wounded being evacuated from the Suez hospital, by the ICRC, with the co-operation of the United Nations Emergency Force.

Photo Vaterlaus/ICRC



**Malaysia:** Under the auspices of the Malaysian Red Cross Society, the ICRC regional delegate addresses trainee Teachers, members of the Red Cross, on the ICRC and the Geneva Conventions.

**Pathet Lao:** The ICRC delegate who is at the head of the International Red Cross Assistance in Indo-China (*left*), received at Sam Neua by H.H. Prince Souphanouvong, President of the Central Committee of Neo Lao Hak Sat, in February 1974.



## **Middle East**

### **Prisoners of war**

During January and February 1974, the ICRC pursued its activities and approaches on behalf of prisoners of war.

*In Israel*, ICRC delegates several times visited some 400 Syrian, Iraqi and Moroccan prisoners of war and about ninety new Egyptian prisoners of war captured since 22 November 1973.

### **Repatriation of prisoners of war**

On 14 February, the ICRC repatriated on the El Qantara road fifteen Egyptian prisoners of war who had been captured on 22 November 1973 and released by the Israeli authorities.

Six wounded Egyptian prisoners of war had already been repatriated on 24 January.

### **Evacuation of wounded and sick**

On 23 January, 250 wounded and sick were evacuated from the Suez hospital under the auspices of the ICRC. They were transported in about twenty buses converted into ambulances and with United Nations drivers. This operation brings the total number of the wounded and sick whom the ICRC has evacuated from the Suez hospital to 1,635.

On 27 January, the ICRC arranged for the evacuation of a seriously wounded Egyptian soldier from the Kabrit area, on the east bank of the Suez Canal, to Cairo.

### **Mortal remains repatriated**

The search for and repatriation of bodies of Egyptian and Israeli servicemen, which had been suspended at the end of November 1973, were resumed on 23 January 1974. Search operations are conducted by the parties concerned while ICRC delegates arrange for the mortal remains to be returned to the respective countries.

Thus the bodies of nineteen Israeli and twenty-seven Egyptian soldiers were repatriated on the El Qantara road, on 5 February, in the presence of the ICRC. The mortal remains of twenty-seven

Egyptians and seventeen Israelis were repatriated on 12 February, and those of twenty-seven Egyptians and eighteen Israelis on 19 February.

### **Occupied territories**

The ICRC has continued to fulfil its duties to the Arab civilian population in the territories occupied by Israel since 1967. The ICRC has made several approaches to the Israeli authorities regarding the territories occupied since the October 1973 conflict. So far, delegates have been authorized to proceed to the newly occupied Egyptian territory on the west bank of the Suez Canal. Visits were made in January and February to Kabrit, Fanara, Faed and Abu Sultan, where the delegates were able to talk with the inhabitants about their various problems, without any witness.

On the other hand, ICRC delegates were not allowed to carry out their activities in newly occupied Syrian territory, on the Golan Heights.

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## *IN GENEVA*

### **Mauritanian President's visit**

On the occasion of his visit to Switzerland, H.E. Mr. Moktar Ould Daddah, President of the Islamic Republic of Mauritania, called at the headquarters of the ICRC on 19 February 1974.

President Moktar Ould Daddah was accompanied by Madame Ould Daddah, Honorary President of the Mauritanian Red Crescent, Madame Abdul Aziz Sall, the Society's active President, and several high government officials. He was received by Dr. Eric Martin, President of the ICRC, Mr. Roger Gallopin, President of the Executive Board, and members of the Directorate.



Having signed the golden book, the Mauritanian Head of State conferred with the ICRC officials about the institution's activities throughout the world and more particularly on the African continent.

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## **Accession to the Geneva Conventions**

The International Committee of the Red Cross has been informed by the Federal Political Department, Berne, that the Provisional Revolutionary Government of the Republic of South Vietnam, in a letter dated 31 October 1973 and received on 3 December, notified the Swiss Government of its accession to the four Geneva Conventions of 12 August 1949, to which it made some reservations.

The Provisional Revolutionary Government declared that this accession would enter into effect immediately.

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## **Mark of appreciation**

On 19 February 1974, at a ceremony that took place at the headquarters of the International Committee of the Red Cross, Dr. Eric Martin, President of the ICRC, presented the ICRC silver medal to Mr. Leo Biaggi de Blasys, ICRC delegate in North Italy for the past thirty years.

The award was made to Mr. Biaggi de Blasys as a mark of appreciation for the constant voluntary and dedicated work he has been performing over this long period in providing assistance to numerous prisoners of war and refugees.

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## **AID TO THE INDIAN POPULATION OF THE AMAZON REGION**

The *International Review* has several times in the past published information about the operation sponsored by the Red Cross on behalf of the Indian population of the Amazon region. It will be recalled that, under an agreement with the Brazilian Ministry of the Interior and in close co-operation with the League of Red Cross Societies and the Brazilian Red Cross, the International Committee sent a team to Brazil early in May 1970, to make a survey of the health situation and the needs of the population.

The team was headed by Mr. S. Nessi, ICRC delegate-general for Latin America, who accompanied the mission during the first few weeks. It comprised three doctors assigned to the International Red Cross by the German Red Cross in the Federal Republic of Germany, the Netherlands Red Cross and the Swedish Red Cross, which agreed to bear the cost of the expedition; a Swiss ethnologist, and a Brazilian Red Cross doctor. The first stage of the expedition brought the team to the "open" reservation of Ilha do Bananal, on the northern border of the states of Mato Grosso and Goiás, where 2,000 Indians were in contact with civilization. The team visited four tribes, took blood samples, carried out various medical tests, and administered medicaments.

In July 1970, the team went from the Peruvian Amazon border to the island of Aramaçá and into the Cruzeiro do Sul region, 400 km away. After its return to Manaus, capital of the state of Amazonas, the team proceeded towards the Venezuelan frontier. It met various tribes in a number of villages.

Early in August, the team returned to Ilha do Bananal, its starting point, and a few days later left for Rio de Janeiro. It had covered some 20,000 km, mostly by air. In six Brazilian states it had come into contact with more than twenty tribes, about one-third of the Indian population of the Amazon region.

On their return to Geneva, the doctors who had taken part in the mission prepared a report containing their general remarks

and findings.<sup>1</sup> In it they stressed the importance of the time factor and laid down the following priorities for the assistance programme: 1. Control of contacts. 2. Allocation of protected land. 3. Immunization. 4. Health education. 5. Agricultural training. 6. Establishing of basic curative medical services.

They stated that in their opinion the enjoyment of good health was a necessary prerequisite for any action designed to raise the standard of living of any individual or group of people. "A good assistance program must contain elements of a plan aiming at the widest possible community development... The question remains whether the field of any Red Cross action as such should extend beyond that of health".

A long-term project for medical assistance to the Indian population of the Amazon region was therefore instituted. In Rio de Janeiro and Brasilia, the ICRC delegate-general for Latin America discussed the project with the President of the Brazilian Red Cross, a representative of the Ministry of the Interior, the President of FUNAI (*Fundação Nacional do Indio*) and FUNAI's Director of Assistance. According to the ICRC's report of May 1972, the Red Cross assistance area was to be divided into two principal zones. The mission, which would have its headquarters in Manaus, would comprise three medical teams, each composed of seven persons and equipped with two shallow-draught boats, one aircraft for such places as could not be reached by boat, and adequate supplies of medicaments. A telecommunication network was to link Manaus headquarters, the ICRC regional delegation in Caracas, the institution's headquarters in Geneva, FUNAI in Brasilia, and the Brazilian Red Cross in Rio de Janeiro.<sup>2</sup>

\*

The second stage of the Amazon operation was about to start. In Geneva, a Co-ordinating Committee was set up which was composed of the ICRC, the League and the donor Societies. A sum of five million Swiss francs had been pledged by Governments

<sup>1</sup> See *International Review*, June 1971.

<sup>2</sup> The aircraft and the two boats would be in radio communication with one another and with Manaus headquarters.

and Red Cross Societies. An Executive Council was to carry out the decisions of the Co-ordinating Committee whose first official meeting, held at ICRC headquarters on 23 and 24 May 1973, was attended by the Presidents of the Brazilian Red Cross, FUNAI and the ICRC, as well as by representatives of some European Red Cross Societies and the League. The purpose of the meeting was to prepare and launch the ICRC's medical assistance programme. FUNAI's President confirmed that the Brazilian authorities would co-operate in every way. Financial support was already being lent by Denmark, the Federal Republic of Germany, Ireland, the Netherlands, Sweden and Switzerland. As a number of other countries had expressed interest in the operation and stated that they proposed to make financial contributions, the programme was due to start at an early date and a first team was to leave for Brazil in August 1973. It was to comprise European and Brazilian medical and technical personnel.

Mr. S. Nessi went to Rio de Janeiro and on 14 August 1973 signed, on behalf of the ICRC, a Statement of Understanding which was also signed by the President of the Brazilian Red Cross and the President of FUNAI. The text of the Statement is given below:

#### **Statement of Understanding**

“ Following its 1970 medical survey in the Amazon and suggestions contained in the report on that survey, the International Committee of the Red Cross, in May 1972, prepared a draft program of long-term Red Cross medical assistance in favour of the Indian population of the Brazilian Amazon region.

The program has been accepted without any change by all donor countries, represented through their National Red Cross Societies in the Amazon Program Co-ordinating Committee, as well as by FUNAI and the Brazilian Red Cross.

The program is therefore the sole basis for the International Red Cross medical assistance action in the Brazilian Amazon region.

All special and separate agreements on technical questions necessary for the satisfactory development of the action will be discussed and signed by FUNAI and the Amazon Program Executive Council represented by its Secretary. These agreements will

also be discussed with and signed by the Brazilian Red Cross, should the signature of an institution with legal personality be required to represent the Executive Council in Brazil.

The ICRC, promoter of this assistance program, considers that from now on any moral, financial and legal responsibility for the whole action rests with the Co-ordinating Committee and its Executive Council of which an ICRC representative will continue to be a member."

\*

Activities such as those planned for the Indian population of the Amazon region were obviously beyond the specific and traditional duties of the ICRC. Once the programme submitted had been approved and financial coverage ensured, the International Committee therefore requested the League of Red Cross Societies to take over the operation. This the League accepted, and the transfer was made on 1 December 1973. The Co-ordinating Committee and the Executive Council ceased to exist, for in Geneva the Amazon action was now the responsibility of the League's Relief Section.

The duties of the League consist in aiding the Brazilian Red Cross which, for its part, co-ordinates its activities with FUNAI's. These activities are geared to *preventive medicine* (immunization against measles, influenza, smallpox and tuberculosis); *curative medicine* (treatment of the sick and the wounded, dental care); *health education* (especially for women and children); and, lastly, *logistic aid* such as the requisite support for basic medical services.

A Red Cross medical mission composed of three members is in Brazil at the present time.

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## **DRAFT ADDITIONAL PROTOCOLS TO THE GENEVA CONVENTIONS**

*The International Committee is publishing a report on the proceedings of the XXIIInd International Conference of the Red Cross in the course of its consideration of the draft Protocols to the Geneva Conventions of 12 August 1949. We quote below the introduction to that report. The three conference resolutions to which it refers were published in the January 1974 issue of International Review.*

The XXIIInd International Conference of the Red Cross was held at Teheran from 8 to 15 November 1973. It appointed three Commissions, one of which, the Commission on International Humanitarian Law, considered the two draft Protocols additional to the Geneva Conventions which are to be the basis for the discussions of the Diplomatic Conference convened by the Swiss Government for the period from 20 February to 29 March and meeting in Geneva in order to adopt those Protocols in final form.

The Conference adopted three resolutions on International Humanitarian Law.

Several delegates made proposals which could not be discussed at length in the Commission in view of the limited time available. The Commission therefore noted the proposals and decided to have them included in this Report, which the International Committee of the Red Cross undertook to prepare and submit to the Diplomatic Conference.

The Report consists of four chapters and annexes. The four chapters make up the summary report on the proceedings of the Commission on International Humanitarian Law concerning the two draft Protocols. The subjects discussed are listed in logical order under the following main headings: general discussion, draft Protocol I, draft Protocol II, and other matters.

The annexes contain all the written amendments to the Protocols as submitted by the delegations attending the XXIIInd International Conference of the Red Cross, the report of the Commission on International Humanitarian Law submitted to the plenary meeting of the Conference, and the resolutions on the Protocols adopted by the Conference.

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## OUTLINE OF ICRC ACTIVITIES IN 1973

*Concomitantly with its large-scale operations in 1973, the International Committee of the Red Cross continued its less extensive actions in Africa, Latin America, Asia, Europe and the Middle East. The few figures below give a glimpse of the tasks performed in the traditional ICRC functions of visiting places of detention, distributing relief supplies, and seeking the missing and reuniting dispersed families through its Central Tracing Agency.*

Visiting prisoners of war, civilian internees and political detainees is the ICRC's main activity. In 1973 its delegates paid 723 visits to 375 places of detention in thirty-seven countries. They saw nearly 270,000 persons deprived of freedom, including 120,000 prisoners of war in nine countries.

The geographic distribution of these visits was: *Africa* (twelve countries, 17,700 civilian detainees); *Latin America* (eight countries, 65,700 civilian detainees); *Asia* (ten countries, 169,300 prisoners of war, civilian internees and detainees); *Europe* (one country, 1,200 civilian detainees); and *Middle East* (six countries, 13,500 prisoners of war and civilian detainees).

\*

Relief supplies despatched by the ICRC from Geneva amounted to some 1,500 tons of various goods to a value of nearly four million Swiss francs. These consignments comprised mainly foodstuffs, medicaments, medical equipment, tents and vehicles for detainees, National Red Cross Societies and liberation movements. Regional distribution was as follows: *Africa*: 628 tons (Fr. 1.4 million) to nineteen countries; *Latin America*: 100 tons (over Fr. 900,000) to twelve countries; *Asia*: nearly 36 tons (Fr. 495,000)<sup>1</sup> to ten countries; *Middle East*: 725 tons (over Fr. 1.1 million)<sup>2</sup> to seven countries.

<sup>1</sup> Exclusive of IOG assistance.

<sup>2</sup> Not including assistance during the October 1973 fighting.

## INTERNATIONAL COMMITTEE

The work of the Central Tracing Agency showed a marked increase in several parts of the world. The highest figures were from *Asia*, where, in the Asian sub-continent, eleven million letters were exchanged between Pakistani prisoners of war in India and their families ; 700,000 family messages were forwarded between Bangladesh and Pakistan, and the Agency offices at Islamabad and Dacca registered some 400,000 persons. In *Indo-China*, the offices opened jointly with the National Societies of the Republic of Vietnam, the Khmer Republic and Laos handled thousands of requests for enquiries to trace missing persons. In the *Middle East*, Agency officers were busy at the ICRC delegations in Israel, the occupied territories, Jordan, the Lebanon, the Arab Republic of Egypt and the Syrian Arab Republic; they had to have reinforcements after the October conflict. The work consisted essentially in processing requests for enquiries into the disappearance of military personnel during or after the fighting. More than a thousand cases were reported by the ICRC to all the governments concerned. In *Latin America*, it was in Chile that, from September onwards, the Agency was busiest. The two specialists from Geneva handled about fifty requests for news of detainees and forwarded thousands of family messages each month to the prisons. They also maintained a card-index of detainees visited and of the " travel documents " issued to refugees allowed to leave the country but having no identity papers.

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### DISSEMINATION OF THE GENEVA CONVENTIONS

*A resolution on the implementation and dissemination of the Geneva Conventions was adopted by the XXIIInd International Conference of the Red Cross at Teheran, calling upon the ICRC to centralize all information on the dissemination of, and instruction in, the Geneva Conventions in the world, in order to support the efforts of Governments and National Societies in this sphere.*

*Continuing, in its section devoted to the "dissemination of the Geneva Conventions", the publication of reports sent to the ICRC by National Societies on the measures taken by them to ensure the dissemination of the Conventions, the International Review gives practical expression to this resolution.*

### POLAND

On the invitation of the Polish Red Cross, Miss F. Perret, delegate of the ICRC, was in Poland from 10 to 21 December, visiting Warsaw, Gdansk and Olsztyn, on a mission related to the joint efforts of the ICRC and National Societies to ensure a wider dissemination of the Geneva Conventions. Miss Perret, with the full co-operation of the Polish National Society and with the help of the ICRC's audio-visual techniques, gave a number of lectures on the Geneva Conventions to Red Cross members and to groups of persons belonging to the armed forces and university circles.

This mission enjoyed a great measure of success, as it benefited from the remarkable efficiency with which the Polish Red Cross, which enjoys widespread support from everyone throughout the country and is thus able to spread the Red Cross principles

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among all sections of the population, organized its information sessions. For example, the Gdansk Committee is active among seamen while the Olsztyn Committee is doing much useful work in the blood donors' club founded by it.

The Government of the Polish People's Republic, too, is taking measures to spread knowledge of the Geneva Conventions in Poland. We are sure readers would be interested to know the indications communicated to the ICRC by the Government in reply to the ICRC's request for information on this matter.

\*

Since the time it became a party to the Geneva Conventions, Poland has always attached great importance to the dissemination among the population of the principles upon which the Conventions are based, as it is well aware that the action itself of dissemination constitutes a prior condition for their full application.

The Government of the People's Republic of Poland already informed the ICRC, in its reply to a memorandum of 21 November 1966, that several branches of activity have been undertaken in this field and that they are being constantly continued and developed.

I. For example, a number of publications relating to the law of war were printed by the Armed Forces Publishing House:

- (a) in 1969, a booklet was issued, entitled "Some problems concerning the law of war";
- (b) a chapter entitled "Some problems concerning the law of war" was included in the "Soldier's Manual", issued in 1969;
- (c) a chapter, also entitled "Some problems concerning the law of war", was included in the "NCO's Manual", issued in 1971;
- (d) a course on "Selected problems concerning the law of war" was reprinted in stencilled form, and the issue of a set of lectures was also continued.

II. The military regulations, printed for use by all military units and issued by the military publishing press, now include the following additions inserted in the " Polish Military Legislation ": the full text of the Geneva Conventions of 12 August 1949 for the Protection of War Victims, the text of the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict and the text of the law relating to the Polish Red Cross.

III. Problems concerning the law of war have been introduced among the subjects taught every year in the curricula of military schools at all levels and in the courses of instruction to soldiers in military units. The set syllabus of these courses exceeds in extent the minimum programme set by the ICRC, annexed to its 1966 memorandum.

The following items are included in the course of instruction:

1. protection of the wounded, the sick, and prisoners of war;
2. rights and duties of occupation armies in time of war;
3. protection of the civilian population and cultural property in time of armed conflict;
4. war crimes responsibility;
5. laws of war, principles regulating the use of means of warfare;
6. the problem of neutrality in contemporary law of war.

IV. The Geneva Conventions are mentioned in the military regulations of the various services concerned.

V. With regard to articles that have appeared in legal periodicals, several papers have been published describing the development at international level of the law of armed conflicts, among which the following may be mentioned: " New concepts in the field of respect for human rights in armed conflicts ", " The work of the ICRC on the development of the law of war ", " Some observations on the legal status of partisans and of the civilian population in occupied territory ", " The United Nations Convention on the Non-Applicability of Statutory Limitations

to War Crimes—present situation and future outlook”, “Agreements on human rights and the Geneva Conventions for the protection of war victims”, “Development of the law of war”, “An international convention for the protection of journalists in time of armed conflict”, besides many others.

VI. Several books have been published on subjects relating to the international law of armed conflicts, including a monograph on respect of human rights in armed conflicts. Another important monograph is in the press, on the subject of the legal situation of the civilian population in time of armed conflict.

VII. Courses in public international law, dealing with these subjects too, are also given in all faculties of law.

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## INTERNATIONAL RED CROSS ASSISTANCE IN INDO-CHINA

### **Khmer Republic**

With the recrudescence of fighting round Phnom Penh, thousands of persons living on the outskirts have sought refuge in the centre of the city. Delegates of International Red Cross Assistance in Indo-China (AICR) have met the emergency by distributing plasma and medicaments to hospitals and organizing the distribution of essential relief supplies. The construction of provisional shelters is contemplated.

The medical team furnished by the Swedish Red Cross has been transferred from Kompong Cham to Kompong Chhnang, where the 300,000 local population has been increased by over 40,000 displaced persons. To ensure more aid for the victims of fighting, the Belgian Red Cross has strengthened its surgical team at Svay Rieng by an additional surgeon and two nurses.

### **Democratic Republic of Vietnam**

A first batch of prefabricated houses, to provide accommodation for 1,200 families arrived in the Democratic Republic of Vietnam from Japan in January 1974. Some units have already been erected on a site prepared for the purpose at Haiphong. Other prefabricated units, from Finland and the Federal Republic of Germany, are due to reach the Democratic Republic of Vietnam shortly.

### **Republic of Vietnam**

Assistance to victims of the recent typhoons is a priority in the Republic of Vietnam. The two medical teams sent by the Federal Republic of Germany are pursuing their activities in the provinces of Binh Tuy and Lam Dong, while the IOG team is at work in Phu Bon.

### **Provisional Revolutionary Government of the Republic of South Vietnam**

In January, IOG received further contributions designed to equip the 250-bed hospital provided for the Provisional Revolutionary Government of the Republic of South Vietnam (PRG). The Polish Red Cross supplied dispensary equipment to the value of 350,000 Swiss francs, while the Austrian Government and Red Cross Youth contributed a sum of about 620,000 Swiss francs, which will cover the purchase of the bulk of the supplies for a hospital ward. Equipment for the surgical polyclinic was due to arrive in Haiphong in February.

For the entire project, IOG has received donations amounting to 5.8 million Swiss francs (including those mentioned above), in cash and in kind, from the National Societies of Finland, the German Democratic Republic, Japan, Norway and Sweden. This covers two-thirds of the total budget.

## MALAYSIA

Mr. A. Tschiffeli, the ICRC's regional delegate in South-East Asia, has sent us some information on the activities of the Malaysian Red Cross Society, particularly about the distribution of powdered milk donated by the Swiss Confederation. As will be seen, such distributions are very effectively carried out by the National Society, under the auspices of the ICRC.

At the end of November 1973, the ICRC sent an initial consignment of 5 tons of powdered milk to the Malaysian Red Cross Society for distribution to the needy. The Society had already set up a Special Committee directed by its Vice-Chairman Tan Sri Jamil Rais and comprising representatives of the Ministries of Health, Education and Welfare Services. Twenty-three distribution points were selected in eight of the thirteen states of the Federation, including Sabah and Sarawak in the northern part of the island of Borneo. Six hundred carefully chosen Red Cross volunteers carried out the distribution to more than 5,420 persons, mostly children but also expectant mothers and needy old people. A programme for each distribution point was drawn up and approved by the Central Committee.

The size and duration of programmes differ. Smaller programmes may cover about fifty persons and larger programmes several hundred. Four of them lasted only a month owing to the inadequate quantities available. On the other hand, eleven projects are scheduled to run for three months, two for six months, and six for a year. Yet the consignment of powdered milk covers only one-half of the programme, and the implementation of the programme as a whole depends on further relief to meet needs which are still very pressing.

The Malaysian Red Cross Society enjoys the high regard of the public and the authorities. It is soundly organized and directed by extremely active, competent and dedicated representatives

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of various ethnic and religious communities. The Society has successfully conducted first-aid activities, rural and school social welfare work, blood donor recruiting, and emergency relief in natural disasters such as floods that frequently strike the country. It is well equipped to provide relief and supplies to populations cut off by those floods.

The Malaysian Red Cross Society is also responsible for a 24-hour ambulance service in the federal capital, Kuala Lumpur, which has a population of approximately 800,000.

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## PUBLICATIONS OF THE HENRY DUNANT INSTITUTE

Several works that are of outstanding interest for the Red Cross world have been issued in various series and published by the Henry Dunant Institute. Latest publications are listed below and may be purchased from the Henry Dunant Institute, 3, rue de Varembe, 1202 Geneva.<sup>1</sup>

	In book- stores <sup>1</sup>	Price for Red Cross members Swiss Frs
<b>SCIENTIFIC COLLECTION</b>		
<b>Frits Kalshoven</b>		
— <i>Belligerent Reprisals</i> , Sijthoff, Leyden, 1971, 389 p.	60.75	50.—
<b>Dietrich Schindler-Jiri Toman</b>		
— <i>The Laws of Armed Conflicts. A collection of Conventions, Resolutions and other documents</i> . Sijthoff, Leyden, 1973, 832 p.	158.—	126.—
<b>Jiri Toman</b>		
— <i>Index of the Geneva Conventions</i> , Sijthoff, Leyden, 1973, 194 p.	48.—	38.—
<b>TENEAT LEX GLADIUM COLLECTION</b>		
<b>Jean Pictet</b>		
— <i>Le Droit humanitaire et la Protection des Victimes de la Guerre</i> . Sijthoff, Leyden, 1973, 152 p.	25.—	20.—
<b>Frits Kalshoven</b>		
— <i>The Law of Warfare. A summary of its recent history and trends in development</i> . Sijthoff, Leyden, 1973, 138 p.	25.—	20.—

<sup>1</sup> Members of the Red Cross ordering direct from the Henry Dunant Institute may obtain books at the above-mentioned reduced price.



to be published shortly:

**Jaroslav Zourek**

- *L'Interdiction de l'emploi de la force en droit international.*

HENRY DUNANT INSTITUTE COLLECTION

**Henry Dunant**

- |   |       |      |
|---|-------|------|
| — <i>Un souvenir de Solférino. L'Age d'Homme,</i><br>Lausanne, 1969, 199 p. | 16.50 | 14.— |
| — <i>Mémoires. L'Age d'Homme, Lausanne,</i><br>1970, 364 p., illustré.      | 25.—  | 20.— |

STUDIES AND PERSPECTIVES COLLECTION

**Maximilian Reimann**

- |   |       |      |
|---|-------|------|
| — <i>Quasi-konsularische und schutzmachtähnliche Funktionen des Internationalen Komitees vom Roten Kreuz ausserhalb bewaffneter Konflikte,</i> Verlag A. Fricker AG, Frick,<br>1971, 113 p. | 22.50 | 20.— |
|---|-------|------|

**Jacques Moreillon**

- |  |      |      |
|--|------|------|
| — <i>Le Comité international de la Croix-Rouge et la Protection des Détenus Politiques,</i> Institut Henry-Dunant, Genève - L'Age d'Homme,<br>Lausanne, 1973, 303 p. | 48.— | 38.— |
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## M I S C E L L A N E O U S

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### HOSPITAL ZONES AND LOCALITIES IN THE PRESENT CONCEPT OF WAR

Dr. E. Evrard, Général Major Médecin e.r. of Belgium, has published in *International Review of the Army, Navy and Air Force Medical Services* (No. 7-8; Liège, 1973) an article on problems concerning "sanitary" <sup>1</sup> zones and localities in the present concept of war. We quote below the summary accompanying the article.

...

The Geneva Conventions No. 1 and No. 4 of 1949 provide for the creation of sanitary zones and localities.

A draft agreement annexed to the Conventions sets forth certain restrictions relating to the size, density of population, distance from military targets, choice of the areas, means of communication and defence of these zones and localities.

Two new factors in fact govern the present situation:

(a) there is not one single point of national soil—or even of a whole continent—that is still safe from massive aerial bombardments by manned aircraft or missiles. The notion of a "front" has now very slight value and, consequently, the notion of distances no longer has the same content;

(b) the destructive power of nuclear weapons implies massive losses and harmful long range action due to radio-active fall out.

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<sup>1</sup> This is, of course, a *faux ami*. The word "sanitaire" used in the French version of the Geneva Conventions is properly interpreted as "hospital".

Concerning the provisions of the Geneva Convention No. 1, the following conclusions are to be drawn from these considerations:

1. The status of sanitary localities can only apply to closed circuit civil wars or conventional type wars between two individual countries. It would be difficult to apply during wars of national liberation or revolutionary wars;

2. In case of general war between two powerful blocs, whole regions would have to be neutralised whether or not nuclear weapons are used.

However, when it is realised the number of concurrent conditions that would in practice have to obtain, considerable difficulties at once become apparent with regard to:

- (I) the choice of sites,
- (II) the organisation and working of sanitary areas and
- (III) means of transport required to reach these self same areas. Financial and economic difficulties would not be slight in addition to those enumerated.

In the control of the conditions relating to the creation and to the activities of sanitary zones, many difficulties subsist in the frame of the International Law. Solutions proposed by the Conference of Government Experts on the reaffirmation and development of international humanitarian Law applicable in armed conflicts (Geneva - 1971-1972) appear to be still unsatisfactory and unrealistic, in case of disagreement between Parties.

The creation and working of sanitary areas and security zones provided for by Convention No. 4 gives rise to problems even more difficult to solve. The creation of mixed zones is not a valid solution.

## THE TEACHING OF INTERNATIONAL LAW

*At its centenary session in Rome on 14 September 1973, the Institute of International Law adopted a resolution on the teaching of international law. We believe our readers will be interested in this resolution which, worded in general terms, includes also the teaching of international humanitarian law :*

### III. Recommendation on the Teaching of International Law at Universities

The Institute of International Law,

*Assembled* at Rome from 5 to 15 September 1973 for its Centenary Session,

*Convinced* of the increasing rôle of international law in the world of today,

*Emphasizing* that international law is essential to the solution of difficulties that may arise between States,

*Observing* with regret that in many Universities international law is not, or is no longer, a compulsory teaching subject,

*Recalling* that the United Nations Organization and UNESCO have on several occasions recognized the importance of the knowledge of international law,

*In line with* its mission to promote international law by contributing in particular " through publications, public teaching and any other means to the triumph of the principles of justice and humanity which ought to govern the relations among peoples " (Article 1 of the Statutes of the Institute of International Law),

1. HAS DECIDED to set up a working group to collect information on the present state of international law teaching in the

various parts of the world and to present Recommendations on the basis of such information at the next session of the Institute of International Law;

2. URGENTLY DRAWS the attention of Universities and other Teaching Institutions as well as of Governments and International Organizations to the importance of ensuring university teaching of international law to the greatest extent possible.

## INTERNATIONAL MEDICAL LAW

The *International Review* published some time ago an article<sup>1</sup> in which Professor Jovica Patrnogic analysed the new trends of International Medical Law and drew attention to the heavy responsibility of that new scientific branch of law, the purpose of which he defined thus: to counter all trends which might lead to a change in medicine, and to encourage all measures designed to maintain and develop humane medicine. In a recent paper,<sup>2</sup> he again dealt with these questions and pointed out that International Medical Law also comprised rules on the protection of health in times of armed conflict. We give below a passage from the conclusion of the paper:

...Out of the relationship of confidence which is the basis of the relations existing between the doctor and the patient as well as a guarantee of successful health protection, results one of the most important duties of a doctor, i.e. keeping medical secret. If a patient seeks a doctor's advice, he must have complete confidence in the doctor's discretion. He must be assured that anything he says and that anything the doctor discovers is a secret between them and one that can be broken only with the patient's consent. This is the fundamental rule of the medical profession.

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<sup>1</sup> See *International Review*, March 1971.

<sup>2</sup> "Relationship between the doctor and the patient during medical interventions "

The whole of the art and science of medicine is based on the intimate personal relationship between patient and doctor. But this is a matter of particular importance to International Medical Law. The resolutions concerning the medical secret during armed conflicts adopted by the Third International Congress of the Neutrality of Medicine (Rome, April 1968) and by the Medical Law Commission of the International Law Association at its 53rd Conference (Buenos Aires, 1968) pointed out the complexity of the problem of the medical secret and the necessity to formulate international rules as soon as possible. It is very necessary to point out that the principles of the relationship between the doctor and the patient must be applied in all circumstances, including armed conflicts.

Finally, we have to admit that it is very encouraging that some international organizations have taken into consideration the problem of the development of International Medical Law, e.g. the International Committee of the Red Cross, the International Committee of Military Medicine and Pharmacy, the International Committee of the Neutrality of Medicine and the *Commission médico-juridique de Monaco*. The XXIst International Conference of the Red Cross adopted several resolutions concerning International Medical Law which were presented by the International Committee of the Red Cross. This Committee is particularly interested in the position of medical personnel, their status and obligations during armed conflicts, and the medical protection of wounded and sick members of the armed forces and civilian population.”

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## BOOKS AND REVIEWS

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DIETRICH SCHINDLER AND JIRI TOMAN: "THE LAWS OF ARMED CONFLICTS—A COLLECTION OF CONVENTIONS, RESOLUTIONS AND OTHER DOCUMENTS"<sup>1</sup>

Interest in the laws of war has been revived by the number of tragic incidents taking place every year throughout the world and just as the Diplomatic Conference on Humanitarian Law is getting under way at Geneva.

The issue of the complete collection of texts relating to the laws of armed conflicts published by the Henry Dunant Institute comes at a suitable moment, at a time when this volume, edited by Professor Dietrich Schindler and Mr. Jiri Toman, fills a gap in the literature on this subject. The basic documents concerning the laws of armed conflicts are not easily accessible to specialists, and even less to students. The previous collection of these various laws was published in 1943 by Marcel Deltenre under the title: *General Collection of the Laws and Customs of War on land, on sea, under sea and in the air, according to the Treaties elaborated by the International Conference since 1856.*

Today, scholars would find it a difficult task in seeking and gathering even the most recent instruments while, in the case of the more ancient documents, still more laborious work is entailed.

The volume issued by Prof. Schindler and Mr. Toman will put an end to such wearisome research. Conventions, drafts of conventions, final acts of diplomatic conferences, resolutions adopted by various intergovernmental and non-governmental organizations,

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<sup>1</sup> A. W. Sijthoff, Leyden, Henry Dunant Institute, Geneva, 1973, xxxvi and 795 pages.

## BOOKS AND REVIEWS

texts issued by the Institute of International Law and the Association of International Law, and even the famous *Lieber Instructions* drafted by Francis Lieber in 1863, the first attempt to codify the laws of war, all are assembled here in a single volume. This book is unique in its kind, and gives a clear picture of the process of codification of this branch of international Law.

Each of the texts is preceded by a short historical note and by references to other collections of documents containing the same text in the official languages of the United Nations. For each convention, the date of entry into force is indicated and, where applicable, tables are given showing the exact dates of signature, of ratifications and of notifications of continuity. Texts of reservations are reproduced "in extenso". With regard to resolutions, numbers of votes for and against are given. As the book has been published in English, the editors have paid special attention to the choice of the translation, giving preference to the one which corresponds most closely to the official text.

Care has been bestowed on the graphic presentation of the text with a view to ready reference also made easier by an index of more than 50 pages.

The book gives an indication of the present state of the laws of armed conflicts. It will therefore be much appreciated not only by specialists working towards the strengthening and progress of the codification of the law of war, but also by all persons, whether civilian or military, whose business it is to be fully cognizant of the texts by which mankind protects itself from its own folly.

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JIRI TOMAN: "INDEX OF THE GENEVA CONVENTIONS FOR THE PROTECTION OF WAR VICTIMS OF 12 AUGUST 1949" <sup>1</sup>

The author, who is Director of Research in the Henry Dunant Institute, Geneva, has achieved a considerable task by compiling an *Index*, in English, which allows quick reference to the voluminous texts of the four Geneva Conventions of 1949. It is easy to consult owing to the precision and clear sequence of references, and a list is appended showing the States that have ratified or acceded to the Conventions.

This book was published in the Scientific Collection of the Henry Dunant Institute. In a foreword, Mr. Pierre Boissier, Director of the Institute, explains the reasons for the book and the ideas and methods that governed its preparation. He writes: "The first requirement is to be able to find more rapidly and more surely the answer given by the Conventions to problems of all kinds which arise for armies in the field as well as for a legal adviser. Marginal notes beside each article are not always specific enough. Many of them do not give the whole substance of the article. Others may be misleading and make the user think that the Conventions are mute on the point in question. Thus, the provisions concerning the transfer of prisoners of war from one power to another are not dealt with in the chapter entitled *Transfer of Prisoners of War after their Arrival in Camp*, but under *Responsibility for the Treatment of Prisoners*."

As Mr. Boissier rightly points out, no diplomatic instrument has ever been the subject of an Index comparable to that provided by the Henry Dunant Institute regarding the Geneva Conventions. This Index has been compiled by one of those best and most thoroughly acquainted with the texts of the Conventions, for in another recent book Mr. Jiri Toman compiled with Mr. Dietrich Schindler a collection of documents on the laws of armed conflicts, which the *International Review* commended as an important work.

J.-G. L.

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<sup>1</sup> A.W. Sijthoff, Henry Dunant Institute, 1973, 194 pages.

THIERRY HENTSCH: "FACE AU BLOCUS" <sup>1</sup>

This book, which describes International Red Cross action in Nigeria during the 1967-1970 war, is written in a clear and lively style which makes it eminently readable. Rather than burden his chronological survey with analyses and references, the author presented the fruits of his research in the form of an account of the ICRC's endeavours, during the Nigerian civil war, to provide the population of the secessionist territory with food and medical relief. The book is, in fact, the story of an air-lift. As Mr. Jacques Freymond, a former member of the ICRC, remarks in his preface, the book stresses what beyond a doubt is the most important aspect: the transport of relief. The problem of prisoners is deliberately left in the background.

Mr. Hentsch explains that he was prompted by such general questions as: How did the ICRC gradually become involved in so large an operation? Was it justified in proposing to assume responsibility for that operation? What part did the Geneva Conventions and Red Cross principles play? In his quest for accurate information, he turned to various sources and thus compiled an exceptionally well-documented report.

The sequence of this book may be summed up as follows: the first chapter deals with the period from December 1966 to November 1967; the second, from December 1967 to April 1968; the third, from May to September 1968, and the fourth, from September 1968 to June 1969, at which time the relief operation was at its peak. A deadlock then set in, which continued until the operation came to an abrupt end and the ICRC withdrew. The fifth chapter attempts to answer such questions as might be asked by an outsider less conversant with the problems involved: Why did the ICRC not resume its night flights? Was there any prospect of success for the renewed negotiations on the subject of day flights?

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<sup>1</sup> Institut Universitaire de Hautes Etudes Internationales, Geneva, 1973, 307 pages. Price 30 Swiss francs.

Towards the end of the book, which contains the author's reflections and conclusions, interest is subordinated to basic problems of doctrine, the nature of Red Cross action, and, to some extent, even the conditions governing the ICRC's existence in the contemporary world. While Mr. Hentsch states that the results achieved by the International Committee are reflected in its capacity to relieve not only present-day but future suffering, he affirms that the ICRC cannot depart from what is its essence: its neutrality, its independence and its private character. The crisis which the institution is undergoing is, above all, a crisis of spirit, one which can to a great extent be solved by a return to the spirit of Red Cross pioneers. For the benefit of those prompted by passion rather than humane considerations, the book points out that the Red Cross, true to its principles of equality and proportionality and the golden rule defined by Mr. Pictet in his book "Red Cross Principles", would not "choose" to aid one belligerent party rather than another.

In an analysis such as this, greater stress should have been laid on the fact that the war in Nigeria was not an international war but a civil war involving the usual personal factors, political susceptibilities and considerations of prestige. An established government will not recognize rebels. Moreover, in Nigeria the rebels were fighting in a territory which was completely surrounded. Blockade, which the Geneva Conventions did not formally prohibit, became one weapon more in the arsenal. Only in the name of humanity, therefore, did the ICRC act on behalf of civilians who, as in all internal conflicts, were the principal victims. In addition to material relief, the ICRC rendered medical assistance, particularly by means of extensive vaccination campaigns for children in the secessionist territories threatened by epidemics.

Admittedly, the ICRC's achievements should not disguise the difficulties or shortcomings of a relief operation larger than any of the many conducted by the ICRC since the end of World War II. The ICRC has now entered upon a course such as advocated by the author, arranging for a more clear-cut distribution of work and allowing senior officers, aware of their heavy duties and stimulated by their scope for initiative, to make better preparations for new undertakings that lie before the ICRC.

## BOOKS AND REVIEWS

The author's criticism is not in the nature of an indictment. It comes from an observer who claims to be as objective as anyone can be and who, in conclusion, affirms that the ICRC was right in assuming all responsibilities with regard to relief in Nigeria. The means available were not always adequate for such an onerous task, essential facilities were sometimes refused, and certain decisions were delayed for want of sufficient safeguards. The ICRC intervened for humanitarian reasons, and the victims' sufferings compelled it to take ever further action, as Mr. Hentsch admits when he says that the ICRC had to fulfil a task which no other organization was able or willing to carry out: the task of providing relief for victims in both camps by ensuring the neutrality of humanitarian aid.

J.-G. L.

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### **Family Planning, *World Health*, January 1974.**

... The United Nations decided that 1974 would be World Population Year, and this should provide the opportunity to highlight a fundamental issue: in many countries, a large proportion of the people are not receiving even minimal health care. Needs in developing countries are great and the financial support for health purposes now being given from outside is quite inadequate. At the same time, however, the countries that need help must themselves undertake some basic reforms if they are to achieve their objectives in health care and social well-being.

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### **Unesco and Human Rights, M. P. Herzog, *Unesco Chronicle*, December 1974.**

Twenty-five years ago, on 10 December 1948, the United Nations General Assembly meeting in Paris proclaimed the Universal Declaration of Human Rights. The principles set forth in it are of the first

importance to Unesco, pledged under its Constitution "to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms".

For unless the equality of all men is recognized (Article 1 of the Universal Declaration) whatever their race, colour, sex or language (Article 2), and unless discrimination of any kind is condemned (Article 7), the proclamation of the right to education, to culture and to information (Articles 26, 27 and 19) which fall within the competence of Unesco, are only hollow words...

..."All Unesco's efforts—its normative action, its aid to development, its encouragement to artistic creation—are directed towards the civilization of the universal", Mr. Maheu declared in 1971. But it is above all in the field of human rights that this universality acquires its most vital and profound significance.

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**THREE RECENT ICRC PUBLICATIONS  
ISSUED FOR THE DIPLOMATIC CONFERENCE  
ON THE REAFFIRMATION AND  
DEVELOPMENT OF INTERNATIONAL  
HUMANITARIAN LAW APPLICABLE IN ARMED  
CONFLICTS**

**Draft Additional Protocols to the Geneva Conventions of  
August 12, 1949**

Geneva, 1973; 8vo, 46 pp. . . . . Sw. Fr. 10.—

**Draft Additional Protocols to the Geneva Conventions of  
August 12, 1949**

**Commentary**

Geneva, 1973; 8vo, 176 pp. . . . . Sw. Fr. 20.—

**Weapons that may cause Unnecessary Suffering or have  
Indiscriminate Effects**

Report on the Work of Experts

Geneva, 1973, 72 pp. Sw. Fr. 12.—

EXTRACT FROM THE STATUTES OF  
THE INTERNATIONAL COMMITTEE OF THE RED CROSS

ADOPTED 21 JUNE 1973

ART. 1. — *International Committee of the Red Cross*

1. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

2. It shall be a constituent part of the International Red Cross.<sup>1</sup>

ART. 2. — *Legal Status*

As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — *Headquarters and Emblem*

The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be *Inter arma caritas*.

ART. 4. — *Role*

1. The special role of the ICRC shall be:

- (a) to maintain the fundamental principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross;
- (b) to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;
- (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;

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<sup>1</sup> The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term "National Red Cross Societies" includes the Red Crescent Societies and the Red Lion and Sun Society.

- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve, in humanitarian matters, as an intermediary between the parties;
- (e) to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions;
- (f) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities;
- (g) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension;
- (h) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

2. The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ART. 6 (first paragraph). — *Membership of the ICRC*

The ICRC shall co-opt its members from among Swiss citizens. It shall comprise fifteen to twenty-five members.

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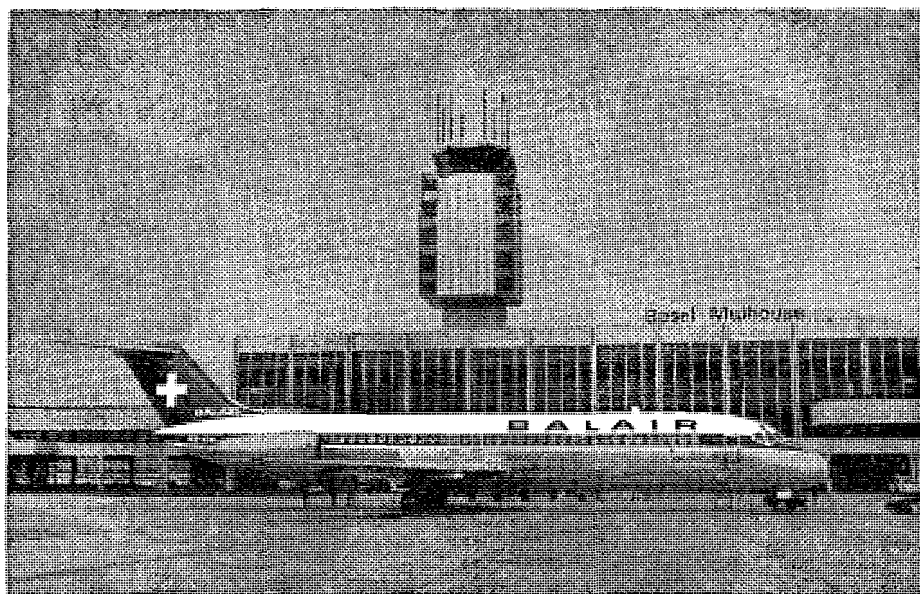


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- ALGERIA — Central Committee of the Algerian Red Crescent Society, 15 bis, Boulevard Mohamed V, *Algiers*.
- ARGENTINA — Argentine Red Cross, H. Yrigoyen 2068, *Buenos Aires*.
- AUSTRALIA — Australian Red Cross, 122-128 Flinders Street, *Melbourne 3000*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, *Vienna 4*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, Amin Court Building, Motijheel Commercial Area, *Dacca 2*.
- BELGIUM — Belgian Red Cross, 98 Chaussée de Vleurgat, 1050 *Brussels*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515 (Casilla 741), *La Paz*.
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- CENTRAL AFRICAN REPUBLIC — Central African Red Cross, avenue Mobutu, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., *Santiago de Chile*.
- CHINA — Red Cross Society of China, 22 Kanmien Hutung, *Peking, E.*
- COLOMBIA — Colombian Red Cross, Carrera 7a, 34-65, Apartado nacional 1110, *Bogotá D.E.*
- COSTA RICA — Costa Rican Red Cross, Calle 5a, Apartado 1025, *San José*.
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- DAHOMEY — Red Cross Society of Dahomey, P.O. Box 1, *Porto Novo*.
- DENMARK — Danish Red Cross, Ny Vestergade 17, DK-1471 *Copenhagen K.*
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- ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia 118, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 34 rue Ramses, *Cairo*.
- EL SALVADOR — El Salvador Red Cross, 3a Avenida Norte y 3a Calle Poniente 21, *San Salvador*.
- ETHIOPIA — Ethiopian Red Cross, Red Cross Road No. 1, P.O. Box 195, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 193 Rodwell Road, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu 1 A, Box 14168, 00141 *Helsinki 14*.
- FRANCE — French Red Cross, 17, rue Quentin Bauchart, F-75384 *Paris, cedex 08*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross of the German Democratic Republic, Kaitzerstrasse 2, DDR 801 *Dresden 1*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, *Bonn 1*, Postfach (D.B.R.).
- GHANA — Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou 1, *Athens 135*.
- GUATEMALA — Guatemalan Red Cross, 3a Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUYANA — Guyana Red Cross, P.O. Box 351, Eve Leary, *Georgetown*.
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- JORDAN — Jordan National Red Crescent Society, P.O. Box 10 001, *Amman*.
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- TANZANIA — Tanzania Red Cross Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
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- U.S.S.R. — Alliance of Red Cross and Red Crescent Societies, Tcheremushki, I. Tcheremushkinskii proezd 5, *Moscow B-36*.
- VENEZUELA — Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, *Caracas*.
- VIET NAM, DEMOCRATIC REPUBLIC OF — Red Cross of the Democratic Republic of Viet Nam, 68 rue Bà-Triệu, *Hanoi*.
- VIET NAM, REPUBLIC OF — Red Cross of the Republic of Viet Nam, 201 đường Hồng-Thập-Tu, No. 201, *Saigon*.
- YUGOSLAVIA — Red Cross of Yugoslavia, Simina ulica broj 19, *Belgrade*.
- ZAIRE (Republic of) — Red Cross of the Republic of Zaire, 41 av. de la Justice, B.P. 1712, *Kinshasa*.
- ZAMBIA — Zambia Red Cross, P.O. Box R.W.1, 2838 Brentwood Drive, *Lusaka*.